

<b>TRANSMITTAL LETTER TO THE UNITED STATES          DESIGNATED/ELECTED OFFICE (DO/EO/US)          CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER P145-US-01 U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; text-align: center;">107559708</div>
INTERNATIONAL APPLICATION NO. PCT/US2003/040520	INTERNATIONAL FILING DATE 19 December 2003	PRIORITY DATE CLAIMED 20 December 2002
TITLE OF INVENTION Apparatus for Automated Processing Biological Samples		
APPLICANT(S) FOR DO/EO/US Lars Winther, Marc Key, Kristopher Buchanan, John Favuzzi, and Benno Guggenheimer		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>Items 11 to 20 below concern document(s) or information included:</b>		
<ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: a true and correct copy of the Reply to Written Opinion with Amendments Under Article 34, along with a cover sheet; a firm letter of transmittal; a Certificate of Express Mailing for each document; a return postcard</li> </ol>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.51) <b>10/539308</b>		INTERNATIONAL APPLICATION NO. PCT/US2003/040520		ATTORNEY'S DOCKET NUMBER P145-US-01	
The following fees have been submitted				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
21. <input checked="" type="checkbox"/> Basic national fee..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$ 200.00	
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$ 100.00	
<b>TOTAL OF 21, 22 and 23 =</b>				<b>\$ 600.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	71 - 20 =	51	x \$ 50	\$ 2,550.00	
Independent claims	3 - 3 =	0	x \$200	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 3,150.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
<b>SUBTOTAL =</b>				<b>\$ 3,150.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 3,150.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 3,150.00</b>	
				Amount to be refunded:	\$
				Amount to be charged:	\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 3,150.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>					
<p>SEND ALL CORRESPONDENCE TO:</p> <p>Nicole A. Ressue 125 South Howes, Third Floor Fort Collins, CO 80521 (970) 224-3100 (970) 224-3175 - Facsimile</p>					
				<p><i>Nicole A. Ressue, June 16, 2005</i> SIGNATURE</p> <p>Nicole A. Ressue NAME</p> <p>USPTO Reg. No.: 48,665 REGISTRATION NUMBER</p>	

10/539308

Express Mail No: EV 603556814 US

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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Application Number:

Filed:

Applicants: Lars Winther, Marc Key, Kristopher Buchanan, John Favuzzi, and  
Benno Guggenheimer

Title: Apparatus for Automated Processing Biological Samples

International Application No: PCT/US2003/040520, Filed 19 December 2003

Original US Applications: 60/435,601, Filed 20 December 2002

TC/A.U:

Examiner:

Assignee: DakoCytomation Denmark A/S

Attorney Docket: P145 US 01

Customer No. 33549

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**LETTER OF TRANSMITTAL**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

Enclosed for filing is an application for patent entitled "Apparatus for Automated Processing Biological Samples" including the following documents:

1. Application Data Sheet;
2. Preliminary Amendment;
3. a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) concerning a filing under 35 U.S.C. 371 (FORM PTO-1390 (02/2005));
4. a true and correct copy of the Reply to Written Opinion with Amendments Under Article 34, along with a cover sheet – the office should note that these amendments were not entered by the IB;

5. a true and correct copy of the Declaration for Patent Application as executed in the international application, along with a cover sheet;
6. Power of Attorney;
7. Information Disclosure Statement along with Foreign patent or patent publication references and Other references in accordance with the Office's waiver of the requirement under Rule 1.98(a)(2)(ii);
8. this Letter of Transmittal along with a Check payable to the Director of the Patent and Trademark Office in the amount of \$3,150.00; and
9. Express Mail Certificates for each document and a return postcard.

Please confirm receipt of the documents by applying your date stamp and serial number on the enclosed postcard and returning it to me.

**Please address all future correspondence to: Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, CO 80521.**

I have this 16 day of June, 2005, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Dated this 16 day of June, 2005.

Respectfully Submitted,  
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Ressue  
Nicole A. Ressue  
Attorney for Assignee  
PTO No. 48,665  
125 South Howes, Third Floor  
Fort Collins, CO 80521  
(970) 224-3100

Express Mail No: EV 603556814 US

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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Application Number:

Filed:

Applicants: Lars Winther, Marc Key, Kristopher Buchanan, John Favuzzi, and  
Benno Guggenheimer

Title: Apparatus for Automated Processing Biological Samples

International Application No: PCT/US2003/040520, Filed 19 December 2003

Original US Applications: 60/435,601, Filed 20 December 2002

TC/A.U:

Examiner:

Assignee: DakoCytomation Denmark A/S

Attorney Docket: P145 US 01

Customer No.: 33549

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**CERTIFICATE OF EXPRESS MAILING**

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Letter of Transmittal along with a check in the amount of \$3,150.00 for National Phase filing fee and a return postcard with the United States Postal Service as "Express Mail" for mailing to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated this 16 day of June, 2005.

  
Cheryl A. Swanson

01539308  
JC17 Rec'd PCT/PTO 16 JUN 2005

Express Mail No: EV 603556814 US

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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Application Number:

Filed:

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TC/A.U:

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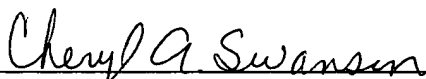
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I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Application Data Sheet with the United States Postal Service as "Express Mail" for mailing to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated this 16<sup>th</sup> day of June, 2005.

  
Cheryl A. Swanson

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Dated this 16<sup>th</sup> day of June, 2005.

  
Cheryl A. Swanson

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Dated this 16<sup>th</sup> day of June, 2005.

  
Cheryl A. Swanson



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Attorney Docket: P145 US 01

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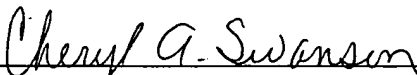
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1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Preliminary Amendment with the United States Postal Service as "Express Mail" for mailing to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated this 16<sup>th</sup> day of June, 2005.

  
Cheryl A. Swanson

10/539308

JC17 Rec'd PCT/PTO 16 JUN 2005  
Express Mail No: EV 603556814 US

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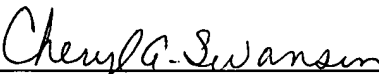
**CERTIFICATE OF EXPRESS MAILING**

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1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Declaration of Inventorship along with a cover sheet with the United States Postal Service as "Express Mail" for mailing to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated this 16<sup>th</sup> day of June, 2005.

  
Cheryl A. Swanson